

REMARKS

In the Official Action mailed on **13 July 2005**, the Examiner reviewed claims 1, 3, 6, 8, 9, 11-13, 15-17, 19-21, 23-26, 28, 29, 31, 32, and 34. Claims 1, 9, 17, 26, 29, and 32 were provisionally rejected under the judicially created doctrine of double patenting over claims 1, 11, and 21 of copending Application No. 09/559,171. Claims 3, 6, 8, 11-13, 15-17, 19-21, 23-25, 28, 31, and 34 are depended on their independent claims, therefore, they are rejected under the same reason.

Rejections under the judicially created doctrine of double patenting

Independent claims 1, 9, 17, 26, 29, and 32 were provisionally rejected under the judicially created doctrine of double patenting. Applicant respectfully submits herewith copies of the following documents which were previously submitted:

Transmittal Letter with certificate of mailing dated 5 July 2005,
Terminal Disclaimer dated 5 July 2005,
Two certificates under 37 C.F.R. 3.73 dated 5 July 2005,
Copy of a check for \$130.00 for the filing fee dated 5 July 2005,
Copy of a postcard dated 5 July 2005,
Copy of the postcard stamped to indicate these documents were received by OIPE on 7 July 2005, and

Copies of the transmittal, terminal disclaimer, and certificates downloaded from private PAIR, which have been stamped by OIPE on 7 July 2005.

Since the Terminal disclaimer, supporting documents, and the required fees were timely filed and received, the provisional rejection under the judicially created doctrine of double patenting should be withdrawn. Such action is respectfully requested.

Hence, Applicant respectfully submits that independent claims 1, 9, 17, 26, 29, and 32 as presently amended are in condition for allowance. Applicant also submits that claims 3, 5, 7-8, and 25, which depend upon claim 1, claims 11-13 and 15-16, which depend upon claim 9, claims 19-21 and 23-24, which depend upon claim 17, claim 28, which depends upon claim 26, claim 31, which depends upon claim 29, and claim 34, which depends upon claim 32, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By


Edward J. Grundler
Registration No. 47, 615

Date: 16 August 2005

Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95616-7759
Tel: (530) 759-1663
FAX: (530) 759-1665